



ATTORNEY DOCKET NO. ADV08 01007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of Mearini et al.

Serial No.: 09/902,408

Art Unit: 1762

Filed: July 10, 2001

Examiner: Gregory Mills

Title: SUBSTRATE FIXTURE FOR HIGH-YIELD PRODUCTION OF THIN FILM
BASED DENSE WAVELENGTH DIVISION MULTIPLEXERS

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned expresses appreciation for the courtesies extended during the telephone discussion with the Supervisory Patent Examiner on October 29, 2004.

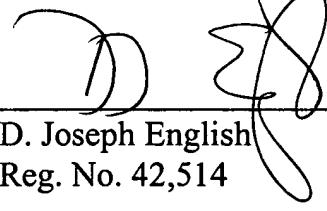
Responsive to the Office Action dated July 2, 2004, and the recent telephone discussion, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Applicant is unable to fully respond to the Action due to the lack of clarity of the rejections and further in view of the cumulative nature of the rejections. The MPEP expressly states that prior art rejections should be confined to the best available art and that cumulative rejections must be avoided. (MPEP § 706.02(I)).

Applicant notes that Claims 11-15 are patentable over the prior art. However, Applicant is unable to respond to the rejections of Claims 1-10 as each claim has been rejected by merely cumulative rejections. For example, Claims 2 and 10 have each been rejected over the prior art in five separate rejections, some of which include the combination of six and seven references. Applicant cannot be required to respond to such rejections.

Reconsideration and withdrawal of the rejections is respectfully solicited.

Respectfully submitted,



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Dated: November 2, 2004

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TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a Request for Reconsideration in response to the Office Action dated July 2, 2004 for the above-identified Application.

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

A duplicate of this sheet is enclosed.

Respectfully submitted,



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